

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN DOE,
Plaintiff,

VS.

CIVIL ACTION NO. 4:21-CV-1356

THE UNIVERSITY OF TEXAS M.D.
ANDERSON CANCER CENTER, *ET
AL.*,
Defendants.

§§§§§

JOINT STATUS REPORT

Pursuant to the Court's Order as indicated in the Hearing Minutes of September 1, 2023 [Dkt. 54], the parties submit this Joint Status Report for November 2023.

1. Lead Counsel

The Attorney in Charge for Plaintiffs is: Eddie M. Krenek
The Attorney in Charge for Defendants is: Benjamin S. Walton

2. Discovery Continuing

Written Discovery

Extensive written discovery was served by Plaintiff on Defendants. Defendant continues working on responses to same. Discovery was also served by Defendants on Plaintiff, which responses are also continuing to be prepared. The parties have agreed to extend the response deadline to November 29, 2023.

As a reminder to the Court, Plaintiff served separate sets of interrogatories and requests for production to each of the eleven (11) Defendants. This includes 1,196 separate requests for production, and 191 interrogatories, with Defendants receiving different types and quantities of requests. Defendants have also served on Plaintiff both requests for production and interrogatories.

The Parties apprise the Court that they are working towards producing discovery/documents as timely as possible and will apprise the Court if any difficulties arise.

Depositions

The parties wish to exchange additional documents prior to the commencement of depositions in this case. The parties are coordinating to schedule certain depositions to take place in either mid-December or January, with Plaintiff being the first party to be deposed. Thereafter, depositions of certain of the individual Defendants will begin after the conclusion of Plaintiff's deposition.

3. Update on Procedural Status of Ancillary Case Pending Before Texas Supreme Court

Update (Reminder): The Texas Supreme Court has granted the Petitions for Review in Case No. 22-0667; Court of Appeals No. 14-20-00588-CV; Trial Court No. 2019-82179. Oral arguments before the Texas Supreme Court are set for Tuesday, January 9, 2024. For the Court's easy reference, the parties provide below the prior synopsis about this matter (prior synopsis provided in full, despite the update making some of the information provided below irrelevant).

Previous Synopsis About this Matter Provided to the Court: The parties apprise the Court about a related case that is currently pending before the Texas Supreme Court. The case concerns claims brought by Plaintiff John Doe against Li Cai (the party that brought the initial complaint against John Doe that triggered the investigations that form the basis of Plaintiff's claims now pending before this Court against both the Institutional Defendants and the Individual Defendants). That case was filed in the 295th District Court of Harris County as Cause No. 2019-82179 asserting claims for slander/libel/defamation, malicious criminal prosecution, and tortious interference causes of action. Defendant Cai is represented by the Office of the Attorney General of Texas (different individual attorneys than in this case). Defendant filed a Motion to Dismiss pursuant to Texas Tort Claim Act ("TTCA") §101.106(f). The trial court denied the Motion to Dismiss, which denial was appealed to the Texas 14th Court of Appeals as Case No. 14-20-00588-CV. The 14th Court of Appeals issued a Majority Opinion that Affirmed in Part, Reversed and Rendered in Part, the trial court's denial of the Motion to Dismiss. There were concurring and dissenting opinions also issued. Both parties appealed the Court of Appeals decision to the Texas Supreme Court through filing of Petitions for Review, filed as Case No. 22-0667. From September 27, 2022 through June 2, 2023, both sides underwent an extensive briefing schedule that included initial briefs, responsive briefs to both sides' petitions for review, briefs on the merits, and reply briefs on the merits. All briefing has been concluded to the Texas Supreme Court as of June 2023. That case is now pending further action by the Texas Supreme Court.

The Parties do not currently believe that the Texas Supreme Court's decision in that case will directly affect the proceedings now before this honorable Federal Court; but the parties wish to apprise the Court of substantial activity occurring of a related nature.

4. Status Update on Criminal Proceedings that are Part of the Factual Events in Plaintiff's Complaint

There have been no further changes to the status of the pending criminal proceedings against Plaintiff. The parties do not anticipate any issues with these criminal proceedings that would prevent the depositions of Plaintiff and Individual Defendants to proceed, as discussed above. The Parties' Joint Status Report for October 2023 provides further context relating to the potential issues of concern.

Respectfully Submitted,

KRENEK LAW OFFICES, PLLC

/s/ Eddie M. Krenek

Eddie M. Krenek
Texas Bar No. 11724980
Federal Bar No. 10887
edkrenek@kreneklaw.com
Lead Attorney-In-Charge

Tricia K. Thompson
Texas Bar No. 24031324
Federal Bar No. 841498
tkthompson@kreneklaw.com
Joyce Keating
Texas Bar No. 11144010
Federal Bar No. 14159
joyce@joycekeatinglaw.com
21555 Provincial Blvd.
Katy, Texas 77450
Telephone: (281) 578-7711
Fax: (281) 578-8988

ATTORNEY-IN-CHARGE FOR PLAINTIFF

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

KIMBERLY GDULA
Acting Division Chief, General Litigation Division

/s/ Benjamin S. Walton

BENJAMIN S. WALTON
Attorney in Charge
Texas Bar No. 24075241
Southern District Bar No. 2338094
Assistant Attorney General
General Litigation Division
P.O. Box 12548
Austin, Texas 78711
(512) 463-2120 – Phone
(512) 320-0667 – Fax
benjamin.walton@oag.texas.gov

**ATTORNEY-IN-CHARGE FOR
DEFENDANTS**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served upon the following counsel of record *via* the Court's ECF system on the 6th day of November, 2023:

Benjamin S. Walton
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Benjamin.walton@oag.texas.gov

/s/ Eddie M. Krenek
Eddie M. Krenek